IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

CRIMINAL REVISION APPLICATION NO. 288 OF 2007

Mehfuz Alam Siddiqui. ... Applicant.

V/s.

The State of Maharashtra. ... Respondent.

Parvez Ubharay for the applicant.

U.V.Nikam, APP for the State.

CORAM: V.C.DAGA, J.

DATED: 24th July 2007.

P.C.:

. Heard learned counsel for the applicant and learned A.P.P. for the State.

2. This application is directed against the order dated 7th June, 2007 passed in Misc. Application No.21/2007 by the 3rd Ad-hoc Addl. Sessions Judge, Sewree, Mumbai. It is an admitted position that the applicant- accused and his counsel both were absent when the impugned order was passed. Under these circumstances, the impugned order is in breach of principles of natural justice. As such, without examining merits or demerits of the impugned order, the same is quashed and set aside. The proceedings are remitted back to the Sessions Court, Sewree for consideration afresh by following principles of

natural justice.

3. The learned A.P.P. submits that the charges have already been framed. It is needless to mentioned that while deciding the application of the applicant, the Sessions Court shall take this aspect into consideration.

4. Revision application is disposed of in terms of this order with no order as to costs.

JUDGE